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**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

Justin Downing, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

Lowe's Home Centers, LLC, a North
Carolina limited liability company, and
First Advantage Corporation, a Delaware
corporation,

Defendants.

Case No. 3:22-cv-08159-SPL

NOTICE OF APPEAL

Complaint filed: September 8, 2022

Pursuant to Federal Rules of Appellate Procedure 3 and 4, notice is hereby given that Plaintiff Justin Downing (“Plaintiff” or “Downing”) appeals to the United States Court of Appeals for the Ninth Circuit from the district court’s amended Fed. R. Civ. P. 54(b) Judgment entered on August 2, 2023 (dkt. 38), following the district court’s June 20, 2023, Order granting Defendant Lowe’s Home Centers, LLC’s motion to dismiss (dkt. 29).

Dated: August 14, 2023

JUSTIN DOWNING, individually and on
behalf of all others similarly situated,

By: /s/Taylor T. Smith
One of Plaintiff’s Attorneys

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REPRESENTATION STATEMENT

Plaintiff-Appellant, Justin Downing, individually and on behalf of all others similarly situated, hereby submits the following Representation Statement:

PARTIES	COUNSEL OF RECORD
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Defendant-Appellee Lowe's Home Centers, LLC	Walker F. Crowson SNELL & WILMER L.L.P. One East Washington Street, Suite 2700 Phoenix, Arizona 85004-2202 Telephone: 602.382.6000 Facsimile: 602.382.6070 wcrowson@swlaw.com Jason C. Schwartz (<i>pro hac vice</i>) Molly T. Senger (<i>pro hac vice</i>) David A. Schnitzer (<i>pro hac vice</i>) Matt Gregory (<i>pro hac vice</i>) Gibson, Dunn & Crutcher LLP 1050 Connecticut Avenue, NW Washington, D.C. 20036-5306 Telephone: 202.955.8500 Facsimile: 202.467.0539 jschwartz@gibsondunn.com msenger@gibsondunn.com dschnitzer@gibsondunn.com mgregory@gibsondunn.com

CERTIFICATE OF SERVICE

I am a resident of the State of Colorado, over the age of eighteen years old, and am not a party to this lawsuit. My business address is 3900 E. Mexico Avenue, Suite 300, Denver, Colorado 80210. I HEREBY CERTIFY that on the 14th day of August 2023, I filed the foregoing **NOTICE OF APPEAL** electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

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Attorneys for Defendant Lowe's Home Centers, LLC

I declare that the foregoing is true and correct.

/s/ Taylor T. Smith